

# Advisory Opinion

IECDB AO 2005-08

- \*modified/updated by 2016-02

August 15, 2005

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on the requirements for registering a campaign committee and filing a statement of organization. The Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

OPINION:

In order to help reduce confusion concerning the registration of a campaign committee by the filing of a statement of organization (Form DR-1) the Board issues this opinion.

## **New Committees:**

Pursuant to Iowa Code section 68A.201 any new campaign committee is required to register with the Board by filing a statement of organization within 10 days of exceeding \$750 in money raised, expenditures made, or debts incurred.<sup>1</sup>

A committee must file an amended statement of organization if there are any changes to the information disclosed on the original statement of organization. Pursuant to Iowa Code section 68A.201(3), the amended statement of organization must be filed within 30 days of the date the information changed.

## **New Committees Filing Before Reaching Financial Threshold:**

New committees also have the option of filing the statement of organization before reaching the \$750 financial activity threshold. When a committee registers before reaching the threshold, a letter must be included with the statement of organization declaring that the \$750 threshold will not be crossed. The purpose of this voluntary registering of a campaign committee is to allow the committee to use the abbreviated "paid for by" attribution statement on political materials that is available to registered committees.<sup>2</sup>

If a committee later exceeds the \$750 threshold it will then be required to file campaign disclosure reports. Also, it is essential that a campaign registering a committee prior to the \$750 threshold being reached submits a letter stating that the \$750 threshold has not been crossed. Otherwise, the committee will be deemed to have crossed the \$750 threshold and the Board will expect campaign disclosure reports to be filed that disclose all transactions of the committee pursuant to Iowa Code section 68A.402.

The committee must still file an amended statement of organization if there are any changes to the information disclosed on the original statement of organization. Pursuant to Iowa Code section 68A.201(3), the amended statement of organization must be filed within 30 days of the date the information changed.

### **Existing Candidate's Committees Seeking a Different Office:**

A candidate's committee that has already filed a statement of organization for one office but then exceeds the \$750 threshold for a different office must either file a new statement of organization or amend the existing statement of organization. In either case, the statement must be filed within 10 days of the \$750 threshold being exceeded for the new office sought.<sup>3</sup>

### **Permanent Organization Making a One-Time Contribution:**

The Iowa campaign laws require a permanent organization (such as a business, association, or other person who is not an individual) that makes a contribution in excess of \$750 to a campaign committee to file separate reports. A permanent organization that makes one contribution in excess of \$750 to a campaign committee may file Form DR-OTC in lieu of registering a campaign committee and filing campaign reports.<sup>4</sup>

### **County Central Committees:**

Prior to July 1, 2005, a county central committee was automatically created when its state party was formed. However, the campaign laws have been amended so that a county central committee is not required to be registered until it exceeds the \$750 threshold.<sup>5</sup> Thus, if any new state parties are created, their corresponding county central committees will only need to register if they exceed \$750 in activity or voluntarily register in order to use the abbreviated "paid for by" attribution statement on political materials.

In closing, the Board encourages all candidates, persons involved in a candidate or ballot issue election, or persons who otherwise make contributions to a campaign to review the filing requirements of Chapter 68A and the Board's rules on campaigning in 351—Chapter 4.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair  
Janet Carl, Vice Chair  
Gerald Sullivan  
Betsy Roe  
John Walsh  
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

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<sup>1</sup> It is important to note that the financial activity threshold is established by statute in Iowa Code sections 68A.102(5) and 68A.102(18). Currently, the threshold is set by law at \$750 (the law has been amended over the years from \$250 to \$500 to the current \$750).

<sup>2</sup> See Iowa Code section 68A.405 and Board rule 351—4.38.

<sup>3</sup> A candidate who files a new statement of organization and keeps the previous campaign committee open will then be required to file separate campaign reports on behalf of each committee. A candidate who amends the candidate's original statement of organization to disclose a new office sought is deemed to only have one candidate's committee and would only be required to file one set of campaign reports.

<sup>4</sup> A permanent organization that makes multiple campaign contributions is required to register a campaign committee and file campaign reports.

<sup>5</sup> See 2005 Iowa Acts, House File 312, section 4 amending Iowa Code section 68A.102(12).